

REMARKS

Reconsideration of this application is requested. Claims 1 and 3-16 are active in the application subsequent to entry of this Amendment.

Discussion of Claim Amendments

In items 1 and 2 of the Official Action, claims 2, 9 and 12-16 are objected to as being improper claims either as to their subject matter or dependency. Further, in items 3 and 4 of the Official Action claims 1 and 9 have been rejected as being indefinite.

Applicants have addressed these issues and amended their claims as follows: claim 1 has been amended to include recitation of a reaction mixture in line 2 which provides antecedent basis for the same expression which follows later in the claim.

Claim 2 has been withdrawn in order to reduce issues.

Claim 6 is amended to correct multiple dependencies considering cancellation of claim 2 and to place it in proper format.

Claim 9 is amended and corrected to depend from claim 7, as the examiner correctly understands.

Claims 12-14 are amended to correct improper dependencies.
Thus the issues raised in items 1-4 of the Official Action have been resolved.

The balance of the Official Action relates to three art-based rejections, items 7-9. Applicants respond as follows:

Rejections under 35 USC 103

The examiner asserts that claim 1 is un inventive over one of Hiyoshi et al., Ririe et al. and Tyagi et al. in the light of Livak. This is clearly not the case. There are significant differences between the present invention as defined by claims 1 and 3-16 and the cited prior art. The present claims are directed towards using the denaturing of a double stranded region to accurately measure the *temperature* of a reaction mixture, whereas Hiyoshi, Ririe and Tyagi use the denaturing process to indicate that a particular *stage* of a reaction has been attained.